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| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/566,106 | Walter Magerl | MERZ 48 PCT US |
| INTERNATIONAL APPLICATION NO. | | |
| PCT/IB04/03043 | | |
| I.A. FILING DATE | PRIORITY DATE | |
| 07/28/2004 | 07/28/2003 | |

25666
THE FIRM OF HUESCHEN AND SAGE
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CONFIRMATION NO. 9524

371 FORMALITIES LETTER



OC000000021055532

Date Mailed: 11/01/2006

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 01/26/2006
- Copy of the International Search Report filed on 01/26/2006
- Copy of IPE Report filed on 01/26/2006
- Preliminary Amendments filed on 01/26/2006
- Information Disclosure Statements filed on 01/26/2006
- Oath or Declaration filed on 07/10/2006
- Request for Immediate Examination filed on 01/26/2006
- U.S. Basic National Fees filed on 01/26/2006
- Priority Documents filed on 01/26/2006
- Specification filed on 01/26/2006
- Claims filed on 01/26/2006
- Abstracts filed on 01/26/2006

Applicant's response filed 07/10/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 05/10/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - The fourth inventor, Michael Althaus, did not sign the declaration.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR

1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

WINSTON M ALVARADO

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PART 2 - OFFICE COPY

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FORM PCT/DO/EO/916 (371 Formalities Notice)